



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: March 9, 2018
MAHS Docket No.: 17-016072
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, telephone hearing was held on February 8, 2018, from [REDACTED] Michigan. Petitioner represented herself. The Department was represented by [REDACTED]

ISSUE

Did the Department of Health and Human Services (Department) properly close Petitioner's Medical Assistance (MA)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On December 4, 2017, the Department received Petitioner's application for State Emergency Relief (SER) benefits. Exhibit A, pp 8-11.
2. On December 7, 2017, the Department received a copy of Petitioner's bank statement for November of 2017, showing an ending balance of \$ [REDACTED] Exhibit A, p 12.
3. The Petitioner receives monthly social security benefits in the gross monthly amount of \$ [REDACTED] Exhibit A, p 9.
4. On December 7, 2017, the Department notified Petitioner that she was no longer eligible for Medical Assistance (MA) effective January 1, 2018. Exhibit A, pp 4-7.
5. On December 14, 2017, the Department received Petitioner's request for a hearing protesting the closure of her Medical Assistance (MA). Exhibit A, pp 2-3.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Assets means cash, any other personal property and real property. Real property is land and objects affixed to the land such as buildings, trees and fences. Condominiums are real property. Personal property is any item subject to ownership that is not real property. Countable assets cannot exceed the applicable asset limit. An asset is countable if it meets the availability tests and is not excluded. Available means that someone in the asset group has the legal right to use or dispose of the asset. Department of Human Services Bridges Eligibility Manual (BEM) 400 (January 1, 2018), pp 1-8.

The asset limit for MA benefits under the AD-CARE category is \$2,000 for a group of one person. BEM 400, p 8. The Department will not count funds treated as income by a program as an asset for the same month for the same month for the same program. BEM 400, p 22.

Petitioner was an ongoing MA recipient under the AD-CARE category when she applied for SER benefits. As part of the application process, Petitioner provided the Department with verification of her countable cash assets, including a copy of a bank statement for November of 2017. Petitioner is listed as an owner of the account. The bank account has an ending balance in November of 2017 in the amount of \$ [REDACTED]. Petitioner received social security benefits in the gross monthly amount of \$ [REDACTED]. When Petitioner's current income is deducted from her ending bank account balance, her countable assets exceed the \$ [REDACTED] limit to maintain AD-CARE benefits. As a Medicare eligible individual, Petitioner is not eligible for a category of MA with no asset test. Therefore, the Department closed Petitioner's MA benefits.

Petitioner testified that she was temporarily holding \$ [REDACTED] in her bank account for another person and that these funds are not available to her.

The record evidence establishes that Petitioner deposited \$ [REDACTED] into her bank account and these funds were comingled with her other cash assets. As an account holder, Petitioner had the legal right to use and dispose of the \$ [REDACTED] deposit into her bank

account. Therefore, these funds are considered an available cash asset as defined by BEM 400.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it closed Petitioner's Medical Assistance (MA) benefits for exceeding the countable asset limit.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; Attention: MAHS Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

[REDACTED]

Petitioner

[REDACTED]